

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
SECOND REGULAR SESSION
17th Legislative Day
Tuesday, March 1, 2016

The House met according to adjournment and was called to order by the Speaker.

Prayer by Subdeacon Stephen Crate, St. Joseph Maronite Catholic Church, Waterville.

National Anthem by Windham Primary School 3rd Grade Chorus.

Pledge of Allegiance.

Doctor of the day, Honorable Geoffrey M. Gratwick, M.D., Bangor.

The Journal of Thursday, February 25, 2016 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 648)

**JOINT RESOLUTION RECOGNIZING MARCH
AS COLORECTAL CANCER AWARENESS MONTH**

WHEREAS, colorectal cancer is the third most commonly diagnosed cancer and the second most common cause of cancer deaths for men and women combined in the United States and it affects men and women equally; and

WHEREAS, every 3 minutes someone is diagnosed with colorectal cancer and every 10 minutes someone dies from colorectal cancer; and

WHEREAS, the vast majority of colorectal cancer deaths could have been prevented through proper screening and early detection but only 39% of colorectal cancer patients are diagnosed at an early stage; and

WHEREAS, the survival rate of individuals who have early-stage colorectal cancer is 90% but the survival rate is only 10% for individuals diagnosed after the cancer has spread to other organs; and

WHEREAS, the national goal established by the National Colorectal Cancer Roundtable is that 80% of Americans 50 years of age and older be screened by 2018; and

WHEREAS, if the majority of people in the United States 50 years of age or older were screened regularly for colorectal cancer, the death rate from this disease could plummet by up to 70%; and

WHEREAS, colorectal cancer is preventable, treatable and survivable in most cases; and

WHEREAS, observing a Colorectal Cancer Awareness Month would provide a special opportunity to offer education on the importance of early detection and screening; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize March as Colorectal Cancer Awareness Month.

Came from the Senate, **READ** and **ADOPTED**.

READ.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I want to start by thanking a good member of the other body for bringing forth the Resolution recognizing March as Colorectal Cancer Awareness Month. What has always impressed me most about colorectal cancers is that they are one of the most preventable cancers, or treatable and survivable cancers, if caught in a precancerous or

early stage, all of which is possible with adequate colon cancer screening.

The American Cancer Society estimates that 720 Mainers will be diagnosed with colorectal cancer and 230 will die from this cancer in 2016. It is the third leading cause of cancer in both men and women, and second leading cause of cancer in men and women combined. Unfortunately, more than half of colorectal cancers are detected in a later stage. There are also geographic and socioeconomic causes of health disparities that make some areas of our state suffer from later detection and poorer outcomes. People without health insurance coverage, those that live in rural areas with less access to care or who struggle with transportation, are less likely to be screened.

It is estimated that more than half of all cases could be prevented by regular colonoscopy screening; however, there are also several other screening options available, including simple take home tests. The Maine CDC has managed a successful program of providing free colonoscopies for Maine residents in the 50-64 year old age group or living below 250 percent of poverty level in the past. Their successful experience and partnerships using multiple evidence-based interventions, including an existing partnership with a State Innovation Model, or SIM, health system pilot were some of the reasons Maine was successful in their application for a federal grant of \$2.5 million, or \$500,000 per year for five years, awarded in late May of 2015.

It is most distressing then, understanding the need for screening, the health disparities that exist in our state, and the dramatic results that can be realized from early screening and diagnosis that the Chief Executive and Commissioner Mayhew chose to reject those federal funds that had the potential to save a number of Maine lives. I would add that the monies were turned down after many hours were invested in filing the grant application. Our state asked for the money and then rejected \$2.5 million.

That said, observing a Colorectal Cancer Awareness Month does provide us a special opportunity to offer education on the importance of prevention, early detection, and screening. Please join us at the American Cancer Society Cancer Action Network's Day at the Capitol happening tomorrow from 8:30 to noon. Thank you.

Subsequently, the Joint Resolution was **ADOPTED** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 459)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

February 25, 2016

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under Title 37-B, §792, I have reappointed Chief William Hussey of Peru to the State Emergency Response Commission effective immediately. Chief Hussey will continue to represent volunteer firefighters.

Please do not hesitate to contact me should you have any questions regarding this reappointment.

Sincerely,

S/Mark W. Eves

Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 460)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

March 1, 2016

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Education and Cultural Affairs

L.D. 981 An Act To Establish a Veterinary School

Energy, Utilities and Technology

L.D. 879 An Act To Ensure High-quality
Telecommunications Services for Maine
Consumers and Businesses

Health and Human Services

L.D. 1209 An Act To Increase the Effectiveness of Peer
Supports in the State

L.D. 1548 An Act To Establish a Foster Parents' Bill of
Rights

Insurance and Financial Services

L.D. 1479 An Act To Create Improved Consumer
Protection against Long-term Care Insurance
Premium Rate Increases

Veterans and Legal Affairs

L.D. 1520 An Act To Amend Maine's Military Bureau
Laws (EMERGENCY)

Sincerely,

S/Robert B. Hunt

Clerk of House

**READ and with accompanying papers ORDERED PLACED
ON FILE.**

The Following Communication: (S.C. 774)

**MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY**

February 25, 2016

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 127th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Harry K. Ricker of Turner for appointment to the Land for Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Fred W. Bucklin of Appleton for appointment to the Land for Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Robert L. Meyers of Bath for appointment to the Land for Maine's Future Board.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Millard Billings of Franklin for appointment to the Maine Land Use Planning Commission.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Michael C. Ryan, Esq. of Freeport for appointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Jeffrey J. Knuckles, Esq. of Phippsburg for appointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Katharine I. Rand, Esq. of Scarborough for reappointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development, the nomination of Richard L. Hornbeck, Esq. of Bowdoinham for reappointment to the Maine Labor Relations Board.

Upon the recommendation of the Committee on Judiciary, the nomination of Theodore C. Helberg of Fairfield for appointment to the Maine Human Rights Commission.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

**PETITIONS, BILLS AND RESOLVES REQUIRING
REFERENCE**

Bill "An Act To Eliminate the Maine Estate Tax"

(H.P. 1101) (L.D. 1622)

Sponsored by Representative SEAVEY of Kennebunkport.
(GOVERNOR'S BILL)

Cosponsored by Senator McCORMICK of Kennebec.

Committee on **TAXATION** suggested and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

Pursuant to Statute

Department of Public Safety, Office of the State Fire Marshal

Representative FOWLE for the **Department of Public Safety, Office of the State Fire Marshal** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Portions of Chapter 4: Water-based Fire Protection Systems, a Late-filed Major Substantive Rule of the Department of Public Safety, Office of the State Fire Marshal (EMERGENCY)

(H.P. 1105) (L.D. 1626)

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

Pursuant to Statute

Administrator of the unorganized territory

Representative GOODE for the **Administrator of the unorganized territory** pursuant to the Maine Revised Statutes, Title 36, section 1604 asks leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2016-17" (EMERGENCY)

(H.P. 1102) (L.D. 1623)

Be **REFERRED** to the Committee on **TAXATION** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The following item was taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, February 25, 2016, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Expression of Legislative Sentiment Recognizing Mrs. Jeanette Currier, of New Limerick

(HLS 1027)

TABLED - February 23, 2016 (Till Later Today) by Representative BEAR of the Houlton Band of Maliseet Indians.

PENDING - **PASSAGE**.

The **SPEAKER**: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise today to ask this body to join with me to honor a very good person, Mrs. Jeanette Currier, past resident of Houlton, but currently of New Limerick in Aroostook County who, with members of her family, is with us here today.

Not too long ago, in Houlton, Maliseet families were discriminated against, punished, if they were who they were—that is, if they spoke Maliseet—and this included this treatment even on school playgrounds. This was the environment. This was wrong in so many ways. The message given to the children was that the Maliseet language was bad and the conclusion was that being Maliseet was bad. Race and language was used to put down Maliseets in those days.

But then, there were those who seemed to know that this was not only not right, but that it had to be corrected in some way and did their part to correct it. Mrs. Currier is one such person. Over many years, she and her husband, the owners of a store near the "Rez" or the "Flats," as it is called in Houlton, demonstrated a different attitude towards our people. They exhibited a positive recognition of the value of Maliseet people, which in my view clearly atoned for some of the sins of the past.

Above and beyond expectations, the Curriers employed Maliseet Tribal members in their business. They extended store credit to Tribal families who were obviously impoverished and they simply, when they couldn't pay, they forgave their debts. Mrs. Currier kept the books, or the ledgers, or the records, and she did these things.

Now, that may not sound like so much of a big deal today, but in the dark reality of those times, any light, any act of kindness and generosity, meant not only immediate survival, it was relief. It meant hope. And it indirectly, it also meant the possibility of attaining a better life and future. Today, we now approach a shared society where people, all people, all languages including the Maliseet, the French, and even the Somalian may be accorded equal value and respect. If only we can follow Jeanette's model.

As the Sage doth sayeth: All journeys begin with the first step. As the elected Maliseet Tribal Representative to this body, I am pleased to introduce Mrs. Currier to you as my guest. Over the past years, I have come to know Mrs. Currier, her son and family, and what she continues to demonstrate is the goodness and kindness of the people of this region. Thank you for listening to me now. Please join with me in honoring Mrs. Jeanette Currier for her kindness and generosity, and also the kindness and generosity of her family, including her now deceased husband, Mr. Bill Currier, which they displayed and extended to my people when few others did at the time. Thank you, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on State and Local Government

Pursuant to Statute

Representative MARTIN for the **Joint Standing Committee on State and Local Government** on Bill "An Act To Eliminate Inactive Boards and Commissions"

(H.P. 1103) (L.D. 1624)

Reporting that it be **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** pursuant to the Maine Revised Statutes, Title 5, section 12006, subsection 2.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent for concurrence.

Refer to the Committee on Education and Cultural Affairs

Pursuant to Resolve

Representative LUCHINI for the **Joint Standing Committee on Veterans and Legal Affairs** on Bill "An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Requiring the University of Maine System To Provide Supportive Services to Student-veterans"

(H.P. 1104) (L.D. 1625)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** pursuant to Resolve 2015, chapter 48, section 7.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent for concurrence.

Refer to the Committee on Agriculture, Conservation and Forestry

Pursuant to Public Law

Representative HICKMAN for the **Joint Standing Committee on Agriculture, Conservation and Forestry** on Bill "An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund"

(H.P. 1106) (L.D. 1629)

Reporting that it be **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** pursuant to Public Law 2015, chapter 267, Pt. GGGG, section 7.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Assist Low-income Electricity Consumers"

(S.P. 511) (L.D. 1382)

Signed:

Senators:

WOODSOME of York
HILL of York
MASON of Androscoggin

Representatives:

DION of Portland
BEAVERS of South Berwick
DeCHANT of Bath
DUNPHY of Embden
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
O'CONNOR of Berwick
RYKERSON of Kittery
WADSWORTH of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-364)** on same Bill.

Signed:

Representative:

BABBIDGE of Kennebunk

Came from the Senate with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

Representative GIDEON of Freeport moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this Committee Report's a little lopsided as you may notice. I rise to speak only to explain something that I find worthy and maybe worthy of further consideration at a later time.

The center of the midcoast that houses Maine Yankee brought forth an idea to use Maine Yankee funds. As you may know, Yucca Mountain in Nevada has never become the nuclear repository for nuclear waste and states sued the federal government for not providing that destination for us and they won that suit and so the states are given a payment from the federal government each year for not providing a federal destination for nuclear waste. Those funds have been used to benefit Maine ratepayers.

The Minority Report that I crafted in some detail with consultation actually addresses a problem that the Legislature and the Chief Executive has been asked to address, and that is low-income heating assistance. And so, this Maine Yankee allotment, which is quite significant—we're talking \$10 to \$15 million annually, I believe—when divided up among all ratepayers

is rather small. But as far as heating and transportation being the major polluters, even more so than electric energy, by addressing the heating issue, I have asked that 50 percent of the settlement funds for a sunset period of three years be dedicated to low-income ratepayers' heating needs as administered through Efficiency Maine. I merely explain this for the record and for the potential that it may be an idea to be built on in the future. Thank you, Mr. Speaker.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass** on Bill "An Act To Strengthen Intragovernment Communication"

(S.P. 611) (L.D. 1560)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senators:

WHITEMORE of Somerset
WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.
READ.

Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, LD 1560, An Act To Strengthen Intragovernmental Communication, would require the commissioner or director of a state agency, which includes Executive Branch departments and quasi-independent agencies, to appear before joint standing committees of the Legislature or a study commission and to participate in the hearing and a work session of that committee, commission, or working group.

This legislation also includes language that the request must be in writing and must provide the date and time of the hearing or work session. I know of no other administration that has refused to allow commissioners, directors, or department staff members to testify before joint standing committees to response to questions from committee members and to provide input. I know in the previous administration, responding to calls from legislators and appearing before joint standing committees was priority one.

Our committee was informed by the sponsor of this legislation that it appeared that things are much better and there is no longer a need for this bill and he asked for an Ought Not to Pass Report. However, we have not heard from the eight cosponsors of the bill and the majority of the committee believes that passage of this legislation is still in the best interests of those that elected us.

We all know that knowledge is sometimes power. If we are kept in the dark by the Executive Branch, we as part-time citizen legislators cannot effectively do our jobs and serve our constituents, and maybe that's the goal of the current administration. Mr. Speaker and Ladies and Gentlemen of the House, I ask that you follow my light and support the Majority Ought to Pass Committee Report. Thank you.

The SPEAKER: The Chair would remind Members to not speculate on the motives of other Members or the Chief Executive.

The Chair reminded members that it was inappropriate to question the motives of other members of the House or the Chief Executive.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, it certainly seems odd to me that when we have a sponsor of a bill who comes forward to present a bill with an issue that he believes is important and then comes forward to a committee and then asks that that bill be withdrawn and, quite frankly, we end up with this bill before us today with a divided report along party lines, which I think is pretty much reflective of, sort of, the give and take that we've had to work through in this legislative role that we play along with the Chief Executive and I would suggest that we continue to get the work done. I agree with the prime sponsor of the bill that the bill should have been, not only withdrawn, but that the Ought Not to Pass had been moved. I will be voting against the bill and I ask that you follow my light and Mr. Speaker I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Wales, Representative Greenwood.

Representative **GREENWOOD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I would concur with the two previous speakers, as I sat in that public hearing and we had one speaker and it was the lead sponsor, Senator Katz, from Augusta. And I think I'll share some of his testimony. He sponsored this legislation "out of frustration that was expressed to me regarding the absence of officials from various departments, appearing before legislative committees, when their presence was requested. The reason for those absences are unknown to me.

"This session, we have seen Executive Branch staff much more readily available. I, like all of you, are pleased to see this. It is for this reason, I respectfully request that the committee vote Ought Not to Pass for this legislation, as I do not believe it is needed anymore."

That being said, looking at the bill itself, LD 1560, the bill is totally unnecessary. Title 3 already gives legislative committees this authority, including the requirement that state agencies furnish documents, materials, and information requested by committees and the ability for committees to issue subpoenas and compel that attendance and testimony the witness.

The bill is overly broad and has constitutional problems. The bill applies broadly to all employees, not just the appointed ones of both the Executive and the Judicial, setting up for a potential constitutional challenge from both of the other branches of government. The bill also threatens individual rights. There is a delicate balance between the Legislature's need to access information and protecting the rights of the individual state employees. Current law provides procedural protections for witnesses compelled to testify before the Legislature. This bill will not.

Compelled attendance and testimony is not a new concept. It is already exists for legislative committees. It is customary in civil and criminal trials and in legal discovery. And in Congress resorts to this tool as well. In all of those situations, there is a substantial procedural protections in place to protect the rights of witnesses. This bill has none of that. Please join me in opposing this constitutional ambiguous bill that strips away basic due process protections for our Executive and our Judicial Branch employees. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, as a member of State and Local Government, I need to express that whenever we enact law, it should be good law, regardless of which political party controls the Executive Branch. And I think this particular piece of legislation actually passes that test.

Nothing need change here. If we invite an agency head or whomever from the agency to come to committee, they may or may not show up. This piece of legislation merely says, failing that, that they put the request in writing, that the agency shall honor the Legislature's request. This is about free flow of information. It needn't ever be used unless that flow of information is not forthcoming. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I am a cosponsor of the bill before us and though I have deep respect for the sponsor of the bill, and will say very little, I will say this: I signed onto the bill because I felt that the bill was necessary at that time. I'm sad to say that the bill I believe is still necessary and I urge you to support it. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 479

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Short, Stanley, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Black, Buckland, Campbell R, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford,

Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bickford, Chace, Dion, Goode, Hymanson, Stuckey.

Yes, 76; No, 69; Absent, 6; Excused, 0.

76 having voted in the affirmative and 69 voted in the negative, with 6 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Thursday, March 3, 2016.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-526)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

(H.P. 532) (L.D. 783)

Signed:

Senators:

DILL of Penobscot
SAVIELLO of Franklin

Representatives:

HICKMAN of Winthrop
CHAPMAN of Brooksville
DUNPHY of Old Town
MAREAN of Hollis
McCABE of Skowhegan
SAUCIER of Presque Isle

Minority Report of the same Committee reporting **Ought Not to Pass** on same RESOLUTION.

Signed:

Senator:

EDGECOMB of Aroostook

Representatives:

BLACK of Wilton
EDGECOMB of Fort Fairfield
KINNEY of Knox
McELWEE of Caribou

READ.

Representative HICKMAN of Winthrop moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-523)** on Bill "An Act To Promote Maine's Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investments in High-speed Internet"

(H.P. 560) (L.D. 826)

Signed:

Senators:

WOODSOME of York
HILL of York

Representatives:

DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
RYKERSON of Kittery

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senator:

MASON of Androscoggin

Representatives:

DUNPHY of Embden
O'CONNOR of Berwick
WADSWORTH of Hiram

READ.

Representative GIDEON of Freeport moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending her motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-524)** on Resolve, Authorizing Certain Individuals To Bring Suit against the Department of Health and Human Services

(H.P. 554) (L.D. 805)

Signed:

Senator:

PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
GOLDEN of Lewiston
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought Not to Pass** on same Resolve.

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York

Representatives:

DILLINGHAM of Oxford
HANINGTON of Lincoln
KINNEY of Limington
TURNER of Burlington

Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-524)** Report.

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report and later today assigned.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 82) (L.D. 213) Bill "An Act To Ensure the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-362)**

(S.P. 578) (L.D. 1480) Bill "An Act To Create and Sustain High-quality Maine Jobs" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-363)**

(H.P. 531) (L.D. 778) Resolve, Regarding Legislative Review of Portions of Chapter 3: Eligibility Requirements for Specialized Case Types, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 1074) (L.D. 1582) Resolve, To Name the Naples Bay Bridge on U.S. Route 302 in the Town of Naples the Robert Neault Memorial Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 1080) (L.D. 1589) Resolve, To Name the Essex Street Overpass Bridge in Bangor the Brent Cross Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass**

(H.P. 854) (L.D. 1254) Bill "An Act To Implement and Fund an Integrated Beach Management Program" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-532)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

(H.P. 1049) (L.D. 1538) Bill "An Act To Amend the Quorum Requirements That Apply to the Citizen Trade Policy Commission" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass**

On motion of Representative FREDETTE of Newport, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

(H.P. 1025) (L.D. 1502) Bill "An Act To Provide Flexibility in the Designation of the Closed Period for Elver Harvesting" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-530)**

On motion of Representative KUMIEGA of Deer Isle, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ** and **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-530)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-530)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 607) (L.D. 1551) Bill "An Act To Make Additional Technical Changes to Recently Enacted Tax Legislation" (EMERGENCY)

(S.P. 406) (L.D. 1137) Bill "An Act To Promote Reemployment of Unemployed Workers" (C. "A" S-360)

(S.P. 559) (L.D. 1457) Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (EMERGENCY) (C. "A" S-361)

(H.P. 1067) (L.D. 1575) Bill "An Act To Make Technical Amendments to the Maine Juvenile Code"

(H.P. 1005) (L.D. 1464) Bill "An Act To Revise the Educational Personnel Certification Statutes and To Direct the Department of Education To Review Department Rules Regarding Educational Personnel Certification" (C. "A" H-525)

(H.P. 1033) (L.D. 1510) Bill "An Act To Improve the Disclosure of Financial Activities by Political Action Committees and Ballot Question Committees" (C. "A" H-527)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

BILLS IN THE SECOND READING

House as Amended

Bill "An Act To Ensure a Continuing Home Court for Cases Involving Children"

(H.P. 609) (L.D. 890)
(C. "A" H-522)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS
Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

(S.P. 272) (L.D. 742)
(C. "B" S-356)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in favor of LD 742. Mr. Speaker, I believe that the final decision concerning LD 742 is a decision worthy of being made by all of the people of Maine.

Furthermore, I believe this bill brings with it a perfect opportunity to let our constituents know that we believe that they are a much needed and appreciated part of the process, regardless of which district they reside in. If LD 742 does not pass today with the two-thirds required, we will be sending a message to the people living in the Second District that we believe it's okay to get all the required signatures in southern Maine. We will be telling them that it makes no difference to us whether or not the issue at hand only affects the citizens of Maine living in the Second District.

Mr. Speaker, Ladies and Gentlemen of the House, 63,626 valid signatures were submitted for the bear referendum. 46,463 of those signatures came from the First District and 46 percent of those signatures came from just 12 cities and towns, most of which were located in Cumberland County.

Mr. Speaker, Ladies and Gentlemen of the House, there are a number of good reasons to require that petitioners collect signatures in the Second District. But the best reason is that an initiative should be discussed statewide. And it should demonstrate statewide support as well before it goes to ballot. No one in Maine should be excluded from any political process, including signature gathering for a ballot measure. Let us do the right thing—the fair thing—for the people of Maine. Ladies and Gentlemen, I urge you to cast your vote in favor of including all of the people in Maine in this process. And Mr. Speaker, I request a roll call. Thank you.

The same Representative **REQUESTED** a roll call on **FINAL PASSAGE**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I would agree with the good Representative from Pittsfield, Representative Short, that this is an important issue. I mean, as long as I've lived in Maine, I was born in Aroostook County, I was raised in Washington County, reside in Penobscot County, went to school in Cumberland County for five years. I've traveled this state plenty and, you know, there's always been this talk most of the life that I've lived here about the concept of two Maines.

You know, we have two Maines in terms of economy. We have two Maines in regards to other opportunities. And so, by not supporting this bill, really what we're doing is we're saying that one part of this state is more important than another. And it really goes to me to the really, the basic fundamental concept in our constitution of the "one person, one vote" theory. Because to the extent that, you know, two-thirds or 70 percent or 75 percent of these referendum gathering folks are gathering their signatures

down primarily in one county, really what we're saying is the voters in Cumberland County weigh much more importantly than the voters in Aroostook County, Washington County, or Penobscot County. And for that matter as it relates to this specific bill, the voters in the First Congressional District versus the Second Congressional District.

So it's a matter of comity, it's a matter of fairness, and I think it's a matter of common sense that we recognize that we are one Maine and that we recognize that the basic fairness of the principle of one person and one vote. We would not be enacting this bill by passing this today. That is to say simply by two-thirds of us supporting this today, this will not become part of the Constitution. All we would be doing is allowing the citizens of the State of Maine, i.e. all of the voters of the State of Maine, one person, one vote, an opportunity to have an up or down vote on this one issue. That's all I think it's really asking is, is to let the voters decide. And we do that on many issues. And I think on this particular issue, when you have the direct initiative process built into our constitution, it's not a legislative creation, it's not a rule making creation. The referendum process, the initiative gathering process, all of that is in our state constitution and it was put in there to empower the people, not necessarily to empower the Representatives, but to give them a final say on pieces of legislation, whether it be a people's veto or a people's initiative.

And so in my opinion, my humble opinion, as somebody who grew up and was raised up in northern Maine, downeast Maine, this gives them an opportunity to have a say on this bill, lets them decide on this bill. Let us not be the deciders of this issue. Let's trust the people of the State of Maine to make an intelligent decision on whether or not they think they want to amend the Constitution to reflect what I believe is truly a one person, one vote fairness issue. And I believe not to support that is to really continue to create a division in this state between the north and the south and I think we have enough of that already. But to continue to prolong that in a political sense in terms of being able to generate and create citizens' initiatives or citizens' vetoes by gathering signatures primarily in one county, is just fundamentally and morally wrong.

And so I ask my good friends, I ask my good friends on the other side of the aisle, to particularly step back from this and look at this not as a political issue, but as an issue where we, again, are going to trust the voters of the State of Maine to make this decision. That's all I'm asking. And I'd ask you to support passage of this Resolution. Thank you, Mr. Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: Mr. Speaker, Ladies and Gentlemen of the House, I rise in strong opposition to this bill. We've taken this up and voted on this several times and it's failed passage and here we are again. I, personally, don't think we have a problem in the state with too many initiatives getting on the ballot. Some years we have two or three, some years we have none. But I don't think we have a problem with too many referendums getting on the ballot. It is already very, very hard for groups to get issues on the ballot and that's why we don't have a lot on the ballot most years.

I would also like to make the point that I don't feel we were elected to come up here to make it harder for citizens to put issues on the ballot. That's not what I feel like my constituents elected me to do and I'm not going to be supporting this today. I also wanted to make the point that this is a constitutional amendment and I take those things very seriously and I don't think that the issues regarding initiatives rise to the level of amending the Constitution at this time.

Let's be clear. There are groups out there getting things on the ballot that you don't support that are paying people to collect signatures. They will pay people to go wherever they need to to get the signatures. This bill will not solve that. This bill will make it harder for volunteer groups—groups like the Citizens for Clean Elections who got almost all of their signatures with volunteers—it will make it harder for them to get things on the ballot. That's not what I want to do today.

If there are things getting on the ballot that you don't agree with, there's an easy solution Ladies and Gentlemen: go vote "no." That's what happened on the bear referendum. It was defeated by the voters. And that's all we need to do. If there's something on the ballot you don't like, go vote "no." Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this issue's being depicted as north versus south. But I don't think that's entirely accurate. This is rural versus urban. I understand that. But the fact of the matter is, if I were initiating an initiative, a referendum question, than I probably would go to Biddeford or Portland and not Acton, Limerick, or Harrison. All of those communities are in southern Maine, but you go to where the population is. It just so happens that two out of the three largest municipalities in the State of Maine are in the Second District. They're going to go to Lewiston and Bangor before they go to Greenville and Milo. I mean, that's just the way it is.

What I think this really is about is respecting everyone's right to vote as equals. And I think that this proposal wrongly allows one region of the state to veto the voters' rights in another region. And that could go either way of course. In the end, everybody will vote on the statewide issue and all people will decide, so we shouldn't, if we're talking about protecting people's rights, they will have the final say. But, in my mind, I ask you to think about one person, one vote and equal treatment of the right to vote as individuals. It's about respecting each of us as equals. Thank you, Mr. Speaker.

Representative VEROW of Brewer **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, it is about north and south. I represent five very rural towns and most of the things that, whether it's guns or what it is, the way they vote in my district, they don't vote the same way in Portland or South Portland or anywhere in Cumberland County and most of York County.

Just take the bear hunt. Everybody and their brother in Portland was out voting against it. And most of the voters up north supported the bear hunt. So I'll be supporting this bill. It's all about south versus north when it comes to hunting, guns, drugs, or whatever. Thank you.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Stanley.

Representative **STANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this issue, I've sat here and I've listened to everybody talk about the people. The people should have the right to do this, the right to do that. Well, I'll tell you what we ought to do: we ought to pass this and let the people decide whether they want to be able to do this or not. Because this is what we're here for: for the people. If we're for the people, let them decide.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker, the Representative from Medway brings up a very salient point that, as many times as we have debated this issue, we ought to come to grips with the fact that we're never going to resolve it here. Let's resolve this out yonder, so to speak. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Final Passage. All those in favor will vote yes, those opposed will vote no.

This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 480

YEA - Alley, Austin, Battle, Beck, Black, Buckland, Campbell J, Campbell R, Corey, Crafts, Davitt, Dillingham, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farrin, Foley, Fowle, Fredette, Gerrish, Gilbert, Gillway, Ginzler, Golden, Greenwood, Grohman, Guerin, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Hubbell, Kinney J, Kinney M, Kumiega, Lockman, Long, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Seavey, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood.

NAY - Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, DeChant, Devin, Doore, Farnsworth, Fecteau, Frey, Gattine, Gideon, Grant, Hamann, Herbig, Hobbins, Hogan, Jorgensen, Kornfield, Kruger, Lajoie, Longstaff, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Schneck, Sukeforth, Tepler, Tipping-Spitz, Tucker, Welsh, Mr. Speaker.

ABSENT - Bickford, Chace, Dion, Goode, Hymanson, Stuckey.

Yes, 93; No, 52; Absent, 6; Excused, 0.

93 having voted in the affirmative and 52 voted in the negative, with 6 being absent, and accordingly the Resolution **FAILED FINAL PASSAGE** and was sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of the Final Repeal of Chapter 101, MaineCare Benefits Manual, Chapter III, Section 32: Allowances for Waiver Services for Children with Intellectual Disabilities or Pervasive Developmental Disorders, a Major Substantive Rule of the Department of Health and Human Services

(H.P. 1047) (L.D. 1522)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 139 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 373: Financial and Technical Capacity Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1064) (L.D. 1568)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 375: No Adverse Environmental Effect Standards of the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1065) (L.D. 1569)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 131 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter 380: Long-term Construction Projects Under the Site Location of Development Act, a Major Substantive Rule of the Department of Environmental Protection

(H.P. 1066) (L.D. 1570)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

The following item was taken up out of order by unanimous consent:

REPORTS OF COMMITTEE

**Refer to the Committee on Health and Human Services
Pursuant to Joint Order**

Report of the **Joint Standing Committee on Health and Human Services** on Resolve, To Establish the Commission To Continue the Study of Difficult-to-place Patients (EMERGENCY)

(S.P. 653) (L.D. 1615)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Order 2016, S.P. 639.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Resolve and accompanying papers were **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

**Refer to the Committee on Health and Human Services
Pursuant to Joint Order**

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Expand Geropsychiatric Facility Capacity"

(S.P. 654) (L.D. 1616)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Order 2016, S.P. 639.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

**Refer to the Committee on Health and Human Services
Pursuant to Joint Order**

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act Regarding the Long-term Care Ombudsman Program"

(S.P. 655) (L.D. 1617)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Order 2016, S.P. 639.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

**Refer to the Committee on Health and Human Services
Pursuant to Joint Order**

Report of the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Provide Additional Resources for Nurse Education Consultants in the Department of Health and Human Services"

(S.P. 656) (L.D. 1618)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Order 2016, S.P. 639.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

**Refer to the Committee on Health and Human Services
Pursuant to Joint Order**

Report of the **Joint Standing Committee on Health and Human Services** on Resolve, Regarding Home Care Service Rates for Serving Persons with Complex Medical Needs

(S.P. 657) (L.D. 1619)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Order 2016, S.P. 639.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve and accompanying papers

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Resolve and accompanying papers were **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

**Refer to the Committee on Health and Human Services
Pursuant to Joint Order**

Report of the **Joint Standing Committee on Health and Human Services** on Resolve, Establishing a Stakeholder Group To Examine Methods of Protecting the Elderly and Persons with Disabilities from Financial Exploitation

(S.P. 658) (L.D. 1620)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Order 2016, S.P. 639.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Resolve and accompanying papers were **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

**Refer to the Committee on Health and Human Services
Pursuant to Joint Order**

Report of the **Joint Standing Committee on Health and Human Services** on Resolve, Directing the Department of Health and Human Services To Amend Its Rules Governing Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities

(S.P. 659) (L.D. 1621)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Order 2016, S.P. 639.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Resolve and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Report was **READ** and **ACCEPTED** and the Resolve and accompanying papers were **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in concurrence.

Refer to the Committee on Criminal Justice and Public Safety

Pursuant to Joint Order

Report of the **Joint Standing Committee on Criminal Justice and Public Safety** on Bill "An Act To Strengthen the Laws on Operating a Motor Vehicle under the Influence of Intoxicants"

(S.P. 661) (L.D. 1628)

Reporting that it be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** pursuant to Joint Order 2015, S.P. 631.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in concurrence.

**Refer to the Committee on Education and Cultural Affairs
Pursuant to Joint Rule**

Report of the **Joint Standing Committee on Education and Cultural Affairs** on Bill "An Act To Implement Certain Recommendations of the Maine Proficiency Education Council" (S.P. 660) (L.D. 1627)

Reporting that it be **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** pursuant to Joint Rule 353.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

ENACTORS

Acts

An Act To Amend Maine's Death Certificate Disclosure Law (S.P. 568) (L.D. 1470) (C. "A" S-358)

An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2017

(H.P. 1053) (L.D. 1546) (C. "A" H-518)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Allow Members of the State Employee and Teacher Retirement Program To Reapply for Disability Retirement Benefits after Denial and To Direct the Board of Trustees of the Maine Public Employees Retirement System To Explore the Feasibility of Offering Long-term Disability Insurance Coverage

(H.P. 1004) (L.D. 1463) (C. "A" H-517)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative ESPLING of New Gloucester, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, 10-6 is a bill that I sponsored on behalf of a constituent. This was a teacher who taught in my elementary school. He became disabled. He was actually a resident of the Speaker's district. He became disabled several years ago after an operation and attempted to apply for disability retirement through the Maine State Retirement System. Unbeknownst to him and many others of the 65,000 employees, teachers of the State of Maine, the Maine State Retirement Plan does not have a long-term disability program. In order to get disability, you must be permanently disabled in order to retire.

My bill does two things. It allows a person who has applied for a disability retirement and been denied and tried to go back to work to reapply again under the same conditions, and the second

part allows MainePERS to explore and to report back to the Legislature next January of an option to provide for the state employees a long-term disability plan to be allowed for the employees of the State of Maine and the teachers to apply for and have a long-term disability program.

Many of the employees that I spoke with during the process of this effort, many thought that they had the same type of a plan that Social Security does that allows for a long-term disability along with a long-term disability retirement program. That is not the case and many are caught short without sufficient protection they have for their salaries. I was fortunate in order to get my constituent another review and he did get disability approved last October. Unfortunately for my constituent, he passed away in December. But for the many thousands of Maine state employees, I hope that we can pass this bill unanimously, move it on, and let's bring this type of protection to the people and the employees of the State of Maine. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage To Be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 481

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Esping, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Harrington, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Ordway, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Sherman, Short, Sirocki, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Bickford, Chace, Dion, Goode, Hymanson, Martin R, Skolfield, Stuckey.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, February 25, 2016, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Bill "An Act To Designate the Maine Lobster as the State Crustacean"

(H.P. 1097) (L.D. 1609)

(Committee on **STATE AND LOCAL GOVERNMENT** suggested)

TABLED - February 25, 2016 (Till Later Today) by Representative ESPLING of New Gloucester.
PENDING - **REFERENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

REPORTS OF COMMITTEE

Refer to the Committee on Appropriations and Financial Affairs

Pursuant to Resolve

Report of the **Joint Standing Committee on Inland Fisheries and Wildlife** on Bill "An Act To Authorize a General Fund Bond Issue for the Construction of a New Fish Hatchery"

(S.P. 662) (L.D. 1630)

Reporting that it be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** pursuant to Resolve 2015, chapter 53, section 2.

Came from the Senate with the Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Pursuant to House Rule 201.1.H, the Speaker appointed Representative BECK of Waterville to serve as Speaker Pro Tem when the House convenes on Thursday, March 3, 2016 at 10 a.m.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative WARD of Dedham, the House adjourned at 12:06 p.m., until 10:00 a.m., Thursday, March 3, 2016, in honor and lasting tribute to Virginia B. Bridges, of Penobscot and Orland.